

United States District Court

SOUTHERN

DISTRICT OF
MCALLEN DIVISION

United States District Court
Southern District of Texas
FILED
TEXAS

FEB 24 2015

UNITED STATES OF AMERICA

V.

Luis Gabriel-Cruz

A202 087 613

Mexico

YOB: 1991

Principal

CRIMINAL COMPLAINT

Case Number:

M-15- 0295 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 23, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Simon Rebollar-Dominguez and Raul Vazquez-Servin, citizens and nationals of Mexico, along with six (6) other undocumented aliens, for a total of eight (8) who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport, by foot, said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 23, 2015, at approximately 6:00 a.m., Border Patrol Agents Tello and Macias, from the horse patrol, apprehended a group of 9 undocumented aliens in the brush. All nine individuals were transported to the McAllen Border Patrol Station for processing.

At the station, and through interviews, agents concluded that Luis GABRIEL-Cruz was acting as the group's foot guide.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindemuth

[Signature] 2-24-15

Sworn to before me and subscribed in my presence,

February 24, 2015
Date

3:58 pm

at

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

[Signature]
Signature of Complainant

Andrew Johnson Senior Patrol Agent
Printed Name of Complainant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0295 -M

RE: Luis Gabriel-Cruz

A202 087 613

CONTINUATION:

PRINCIPAL'S STATEMENT:

Luis GABRIEL-Cruz was read his rights. He stated he was willing to provide a statement without the presence of an attorney.

GABRIEL told agents he and another guide were in charge of guiding the group of aliens through the brush. GABRIEL was to be paid \$400 (USD) for his role. According to GABRIEL, when the group saw Border Patrol, they scattered, and the other foot guide was able to abscond. Prior to guiding the illegal aliens in the US, GABRIEL claims to have picked the group up at a stash house in Reynosa and crossed them over the Rio Grande River. GABRIEL stated he has successfully guided two other groups of undocumented aliens into the United States on two separate occasions.

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Simon Rebollar-Dominguez claims to have been charged \$1,500 (USD) to be smuggled from Mexico to Houston, Texas. According to Rebollar, he travelled from his home town to Reynosa by bus, and was picked up by the foot guide (Luis GABRIEL-Cruz) at the bus station. Once on the US side of the Rio Grande River, GABRIEL told Rebollar and the rest of the group to follow him and to do what he said. Rebollar only remembers following one foot guide before he was apprehended. Rebollar recalled that GABRIEL used hand gestures as well, to communicate with the group. Rebollar identified GABRIEL in a photo lineup as the group's foot guide.

2- Raul Vazquez-Servin claims to have been charged \$1,500 (USD) to be smuggled to Houston, Texas. According to Vazquez, there was only one foot guide that he was aware of. That foot guide told the group to be quiet and follow his instructions. He also used hand signals to communicate with the group. Vazquez identified GABRIEL in a photo lineup as the foot guide.